

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10



WASHINGTON OPERATIONS OFFICE
c/o WASHINGTON DEPARTMENT OF ECOLOGY, PV-11
OLYMPIA, WASHINGTON 98504

October 19, 1989

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REPLY TO
ATTN OF:

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RECEIVED

OCT 23 1989

Mr. Richard Wells
Quinault Indian Nation
P.O. Box 189
Taholah, Washington 98587

Dear Mr. Wells:

This letter is in response to your application to be treated as a State under the Clean Water Act (CWA). Staff in my regional office has been reviewing your application, however, there is some additional information that is needed before we can complete our review.

The additional information is as follows:

1. A copy of the Quinault Indian Nation's Constitution showing the authority for the governing body of the Tribe to carry on substantial governmental duties.
2. A clear statement from the Tribe that the functions to be exercised by the Tribe with the EPA grant funds, pertaining to the management and protection of its water resources. This could be in the form of a certified statement (signed by the representative of the governing body of the Tribe).
3. The Tribe should provide specific information on its capability for managing its water resources. Such information might include identification of a particular body within the Tribe to be entrusted with its Water Quality Management Program and with the EPA grant funds, and a brief description of what is involved in administering the programs already mentioned in the "Tribal Capability" section of its application. In speaking of its capabilities, the Tribe should also address the question of its ability to take such action as might be necessary to stop the discharge of pollutants to the waters on the reservation as set forth in CWA paragraph 504. These are emergency powers.
4. We also need to know if the Tribal Courts have the authority to issue an injunction to prevent pollution and how the injunction would be enforced.

with reference to the application for the tribe to be treated as a state under the CWA. The tribe should provide specific information on its capability for managing its water resources. Such information might include identification of a particular body within the tribe to be entrusted with its water quality management program and with the EPA grant funds, and a brief description of what is involved in administering the programs already mentioned in the "tribal capability" section of its application. In speaking of its capabilities, the tribe should also address the question of its ability to take such action as might be necessary to stop the discharge of pollutants to the waters on the reservation as set forth in CWA paragraph 504. These are emergency powers.

Receipt of this information will enable us to complete our review expeditiously.

Sincerely,

Cecil D. Carroll

Cecil D. Carroll
Water Program Coordinator
Washington Operations Office

cc: Gretchen Hayslip, Region 10
Joan Shirley, Region 10 (ORC)
Julie Hagensen, WOO